

Form MR-SMO
(Revised March 2, 2004)

This Section for DOGM Use:

Assigned DOGM File No.: S 1031070

DOGM Lead: LME

Permit Fee \$ 150.00 Ck # James 278/04

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program.

"Small Mining Operations" means mining operations which disturb five or less surface acres at any given time.

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: CACTUS QUARRY
2. Name of Person or Entity Applying for Permit: ERNIE RAY HALE
Address: SAME AS #3
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

Company () Corporation () Partnership () Individual ☒
Other () - specify type: _____

A corporation must be registered with the State of Utah, Division of Corporations. Are you currently registered to do business in the State of Utah? ☐ Yes ☐ No

Business License # APPLIED FOR

Registered Agent (as identified on business license): ERICA HALE

Address: 1732 N. 450 W. #111
City, State, Zip: PROVO UTAH 84604
Phone: 801 427 1701 Fax: _____
E-mail Address: _____

3. Name of Operator (~~if different from #2~~) SAME AS #2 ERNIE R. HALE
Address: 1450 SOUTH 600 WEST
City, State, Zip: OAKLEY IDAHO 83346
Phone: 208 862 13393 Fax: 208 862 3393
E-mail Address: _____

RECEIVED

JUN 25 2004

DIV. OF OIL, GAS & MINING

0001

If Partnership or Individual:**Name of 1st owner / partner:** N/A**Address:** _____**City, State, Zip:** _____**Phone:** _____**Fax:** _____**E-mail Address:** _____**Name of 2nd owner / Partner:** N/A**Address:** _____**City, State, Zip:** _____**Phone:** _____**Fax:** _____**E-mail Address:** _____**If Corporation or Limited Liability Entity:****Name of Officers:** N/A**Title:** _____**Title:** _____**Title:** _____**Title:** _____**4. Permittee / Operator Representative (if different from #3):****Name:** N/A**Address:** _____**City, State, Zip:** _____**Phone:** _____**Fax:** _____**E-mail Address:** _____**5. Ownership of Land Surface:**Private (Fee) ☐Public Domain (BLM) ☒National Forest (USFS) ☐State Trust Land/School Sections ☐State Sovereign Lands ☐

Other (please describe): _____

Name _____**Address** _____**Name** _____**Address** _____**Name** _____**Address** _____**Name** _____**Address** _____**6. Ownership of Minerals:**Private (Fee) ☐Public Domain (BLM) ☒National Forest (USFS) ☐State Trust Land/School Sections ☒State Sovereign Lands ☐

Other (please describe): _____

Name _____**Address** _____**Name** _____**Address** _____**Name** _____**Address** _____**Name** _____**Address** _____

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BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): _____

Utah State Lease Number(s): PENDING APPLICATION # ML 49379Name of Lessee(s) ERNIE R. HALE

7. Have the above surface and mineral owners been notified in writing?

Yes ☒ No ☐

If no, why not? _____

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration prior to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.

8. Does the Permittee / Operator have legal right to enter and conduct mining operations on the land covered by this notice? Yes
- ☒
- No
- ☐

II. **PROJECT LOCATION & MAP** (Rule R647-3-105)

- 1.
- Project Location**
- (legal description):

County(ies): BOXELDER

SE 1/4, of NW 1/4, of SE 1/4: Section: 36 Township: 11 N Range: 16 W
 _____ 1/4, of _____ 1/4, of _____ 1/4: Section: _____ Township: _____ Range: _____
 _____ 1/4, of _____ 1/4, of _____ 1/4: Section: _____ Township: _____ Range: _____

UTM East _____ (if known) UTM North _____ (if known)

Name of Quad Map for Location: POTTERS CREEK, WARM SPRING HILLS, U

2. A topographic base map showing the location of the proposed small mining operation must be submitted with this notice. A USGS 7.5 minute series map is preferred. The areas to be disturbed should be plotted in sufficient detail so that they can be located on the ground. It is recommended that the Permittee / Operator also photo document, plot and label any pre-existing disturbances in the immediate vicinity that he is not responsible for.
3. The proposed (5 acre or less) disturbed area boundary (including access/haul roads) must be marked in the field ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers must be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

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III. OPERATION PLAN (Rule R647-3-106)

1. Type of mining: Surface ☒ Underground ☐
2. Mineral(s) to be mined: QUARTZITE DIMENSION STONE
3. Amount of material to be extracted, moved or proposed to be moved: 2000 TONS PER YEAR
4. Will any water, liquid chemicals, reagents, or other solutions be used, produced or discharged as part of the mining or milling process?
Yes ☐ No ☒ If yes, please describe (add extra pages if needed)

5. Provide a brief description of the proposed mining operation and onsite processing facilities (add extra pages if necessary). BUILD A WORK BENCH AT DRAINAGE LEVEL ON WEST SIDE OF HILL. PLACE OVERBURDEN + STONE WASTE IN A TEMPORARY STORAGE PILE BEHIND (WEST OF) WORK BENCH, TOPSOIL IN A SEPARATE PILE. THEN QUARRY THE VEIN UPHILL, CONCURRENTLY RECLAIMING THE DOWNHILL SIDE
6. ☐ New Road(s): Length N/A (ft) Width _____ (ft)
7. ☐ Improved Road(s): Length _____ (ft) Width _____ (ft) .4 ACRE
8. Total project surface acreage to be disturbed: 2 (acres) PLEASE SPECIFY EXACT ACREAGE - (this will be used to determine surety bond amount - see #VI).
9. Proposed startup date of project (month, year) JUNE 2004
10. Proposed completion date of project, if known (month, year) UNKNOWN

IV. OPERATION AND RECLAMATION PRACTICES (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining:

1. Keep the mining operation in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.
3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.
4. Construct berms, fences, or barriers, when needed, above highwalls and excavations.

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5. *Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.*
6. *Remove all waste or debris from stream channels.*
7. *Dispose of any trash, scrap metal, wood, machinery, and buildings.*
8. *Conduct mining activities so as to minimize erosion and control sediment.*
9. *Reclaim all roads that are not part of a permanent transportation system.*
10. *Stockpile topsoil and suitable overburden prior to mining.*
11. *Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.*
12. *Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.*
13. *Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)*
14. *Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.*

V. **VARIANCE REQUEST** (Rule R647-3-110)

Yes ☐ No ☐

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above, should be identified below and justification given for the variance request(s).

Item Number Variance Request Justification

VI. **SURETY** (Act 40-8-7(1)(c))

The Utah Mined Land Reclamation Act (40-8-7(1)(c)) provides the authority that all mining operations furnish and maintain reasonable surety to guarantee that the land affected is reclaimed according to approved notices consistent with on-site conditions. The surety amount is based on the following average calculations. These amounts are used as a general guide and may take individual discretionary judgment into consideration.
\$5,000 for the 1st acre; and
\$3,000 for each additional acre.

Note: Partial acreages are rounded up to the next highest #.

The surety must be provided to the Division prior to commencement of operations.

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VII. PERMIT FEE [Mined Land Reclamation Act 40-8-7(1)(i)]

The Utah Mined Land Reclamation Act of 1975 [40-8-7(1)(i)] provides the authority for the assessment of permitting fees. Commencing with the 1998 fiscal year (July 1 - June 30), and revised July 1, 2002, permit fees are assessed to new and existing notices of intention, and annually thereafter, until the project disturbances are successfully reclaimed by the Permittee / Operator and released by the Division.

Small Mine Notices require a \$150.00 fee which must accompany this application or it cannot be processed by the Division.

NOTICE: The following person(s) are authorized and designated to receive Notices of Violations, Cessation Orders and all other Notices required by the Division to be given to the permittee or operator:

Name: ERNIE R. HALE
Address: 1450 S. 600 W.
City, State, Zip: PAKLEY IDAHO 83346
Phone: 208 862 3393 Fax: 208 862 3393
E-mail Address: _____

Name: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

VIII. SIGNATURE REQUIREMENT

I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

I have enclosed the required permit fee. I have also enclosed the appropriate reclamation surety amount or have made arrangements as to when the surety will be furnished. I further understand that I am not authorized to create any surface disturbance until the surety amount is posted and I have received written approval from the Division of Oil, Gas and Mining and any other authorized regulatory agency.

(Note: If a company or corporation, this form must be signed by the owner or officer who is authorized to bind the company/corporation to this Notice.)

Signature of Permittee/ Operator/ Applicant: ER Hale
Name (typed or printed): ERNIE R. HALE
Title/Position (If applicable): _____
Date: _____



State of Utah
DEPARTMENT OF COMMERCE
 Division of Corporations & Commercial Code
 Business Name Registration / DBA Application

Non-Refundable Processing Fee:	
<input type="checkbox"/> New Filing	\$22.00
<input type="checkbox"/> Applicant/Owner Transfer	N/A

WARNING: The filing of this application and its approval by the Division of Corporations and Commercial Code does not authorize the use in the State of Utah of an assumed name in violation of the rights of another under federal, state, or common law (U.C.A. Section 42-2-5 Et seq.).

You may file this application or request to file in the Division of Corporations (please file in duplicate). If you file, please include one (1) self-addressed stamped envelope with application. If you are filing, you must include in a separate sheet, the number of a US Address card with the date of expiration, or the number of passport and check or cash.

If adding or removing an Applicant/Owner, which will affect its status as a General Partnership or Sole Proprietorship, you must submit a Registration Information Change Form.

If you want a new name (adding or changing the existing name), a new DBA filing is required.

BUSINESS INFORMATION

Requested Business Name:	Cactus Quarry		
Business Purpose:	Mine building stone		
Business Address:	1450 South 600 West		
	City: Oakley	State: ID	Zip: 83346
Registered Agent:	Signature: <i>Ernie Hale</i>		
Registered Address:	ERICA HALE		
Utah Street Address Required, PO Boxes can be listed on the line below the Street Address	1732 N 450 W. # 111		
	City: PROVO	State: UT	Zip: 84604

INFORMATION ABOUT YOU THE APPLICANT/OWNER

If the applicant/owner is a business, the business entity must be in good standing and information provided is required from the state of ID. When transferring ownership, a letter of transfer must be attached.

APPLICANT/OWNER INFORMATION

Is the applicant/owner a registered business in the state of Utah?		<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this Applicant/Owner/Partner name & address the same as the Registered Agent name & address listed above?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Name: ERNIE RAY HALE
		Address: 1450 SOUTH 600 WEST
		City: OAKLEY State: ID Zip: 83346
		Signature: <i>E.R. Hale</i>
Is this Applicant/Owner/Partner address the same as address listed directly above?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Name: _____
		Address: _____
		City: _____ State: _____ Zip: _____
		Signature: _____

IF NEEDED, YOU MAY USE AN ATTACHED SHEET FOR ADDITIONAL APPLICANTS

Under GRAMA (63-2-201), all registration information maintained by the Division is classified as public record. For confidentiality purposes, the business entity physical address may be provided rather than the residential or private address of any individual affiliated with the entity.

Mail In: PO Box 146705
 Salt Lake City, UT 84114-6705
 Walk In: 160 East 300 South, Main Floor
 Information Center: (801) 530-4849
 Toll Free: (877) 526-3994 (within Utah)
 Fax: (801) 530-6438
 Web Site: <http://www.commerce.utah.gov>